

Excerpts
Planning Commission Minutes
July 13, 2005

Application No. ZT-96-05, York County Board of Supervisors: An application to amend Chapter 24.1, Zoning, of the York County Code, by creating a new section 24.1-223.1, Special Requirements Adjacent to Unused Rights-of-Way, to allow adjustments in the dimension and location of front landscape yards and in the setback of freestanding signs on properties abutting a public right-of-way where the front property line of said parcel is located 50 feet or more from the edge of the existing pavement and where such roadway is not planned for widening in either the current Regional Transportation Plan or the current Virginia Department of Transportation Six-Year Plan.

Mr. Mark Carter, Assistant County Administrator, presented the staff summary of the memorandum to the Commission dated June 30, 2005 and recommended approval by the adoption of proposed Resolution No. PC05-29.

Mr. Hamilton asked if the primary focus of the proposed amendments to the Zoning Ordinance dealing with sign and landscape yard locations were the 6 roads listed in the staff memorandum as being eligible for those opportunities. **Mr. Carter** said that was correct.

Mr. Ptasznik asked who would be liable if signs existed on a property that needed to be disturbed for utility placement by the Virginia Department of Transportation. The property owner would be liable, **Mr. Carter** said, but noted that VDOT would not allow sign encroachment if utilities existed within the ten-foot area. He suggested the proposed ordinance be clarified to indicate that the property owner would be required to remove any signs in the way of a County or VDOT utility project. **Mr. Ptasznik** recommended revising the ordinance to state the owner would be taking a risk in such event.

Mr. Barba moved the adoption of proposed Resolution PC05-29(R), to include the revisions suggested by Mr. Carter and Mr. Ptasznik.

Resolution No. PC05-29(R)

On motion of Mr. Barba, which carried 5:0 (Conner and Davis absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZT-96-05 WHICH PROPOSES AMENDMENT OF CHAPTER 24.1, ZONING, YORK COUNTY CODE, TO ALLOW CERTAIN CONCESSIONS FOR THE WIDTH OF FRONT LANDSCAPE YARDS AND SIGN PLACEMENT FOR PROPERTIES THAT ABUT UNUSUALLY WIDE EXPANSES OF UNUSED HIGHWAY RIGHT-OF-WAY

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-96-05 after determining that the normally applicable front landscape yard and sign placement standards may create hardships for businesses located along primary highways having unusually wide

expanses of unused right-of-way between the travel lane and the front property line of such parcels;
and

WHEREAS, the Board wishes to consider establishing opportunities for relief from the normally applicable standards in cases where such highways are not programmed or planned for widening; and

WHEREAS, said application has been referred to the York County Planning Commission for review and consideration in accordance with applicable procedures for zoning ordinance text and map amendments; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing and conducted subsequent deliberations and discussions on the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of July, 2005 that it does hereby forward Application No. ZT-96-05 to the Board of Supervisors with a recommendation for approval of an amendment to Chapter 24.1, Zoning, of the York County Code to read as follows:

Add new Section 24.1-223.1, as follows:

24.1-223.1 Special requirements adjacent to unused rights-of-way

In the case of a parcel abutting a primary system highway that is not a limited access roadway or a frontage road associated with a limited access roadway and that is not planned for widening in the current Virginia Department of Transportation Six-Year Plan or in the current Regional Transportation Plan or the York County Comprehensive Plan, if the front property line of said parcel is 50 feet or more from the edge of the existing pavement the 20-foot front landscaped yard required by section 24.1-244 may be reduced to five feet, provided that the Virginia Department of Transportation will allow the landscape planting requirements specified by section 24.1-242 to be met by plantings which shall be installed by the property owner within that 5-foot area and the 15 feet of right of way closest to the front property line, and the 10-foot setback for signs required by section 24.1-702 may be waived and the sign may be located in the area between the normal setback line and the front property line or, in the event the Virginia Department of Transportation authorizes such placement through a land lease or permit arrangement, may be located within 10 feet of the front property line of the parcel and within the VDOT right-of-way. Should such lease/permit be terminated by VDOT, or should the subject 10-foot area be needed for a public utility project, the property owner shall be responsible for relocating the sign to comply with all applicable sign setback standards then in effect.
